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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

RECEIVED

JEROME JOHNSON (PRO SE)
PETITIONER

MAY 12 2021

AT 8:30 M
WILLIAM T. WALSH
CLERK

v.

CR. NO. CR-14-00173002
JUDGE RODRIGUEZ

UNITED STATES OF AMERICA
RESPONDENT

Mr. Jerome Johnson motions this Court under Rule 201, Judicial Notice, with new facts that were unavailable at the time of filing his 18 U.S.C. § 3582(c)(1)(A)(i)(d).

On February 25, 2021, two inmates in Petitioner's building of 5812 tested positive for COVID-19 starting the building on its second (full lockdown) quarantine. The inmates were Rubin Rodriguez and Chapelle Bouldin. This was Mr. Rodriguez's second COVID-19 infection (re-infection), his first positive COVID-19 test was on October 25, 2020.

On February 26, 2021, unit 5812 goes back on full quarantine lockdown. Only temperature checks are done.

On February 28, temperature are again checked.

On March 1, 2021 most inmates are tested for COVID-19 even though some inmates who last tested positive on November 18, 2020 were not tested on this day.

March 3, 2021, inmates were called to the Correction Officer's office and notified that they had tested positive and were told to pack out. The inmates remained in the building for over 4 hours before leaving. Two inmates were re-infected, Ron Collins and Dudley Miller, who originally tested positive in mid-October.

On March 4, 2021, Medical Staff C.O. Orapello visited Unit 5812 in the AM and informed inmates present that all March 1st tests at 5812 are in and only nine were positive. Mr. Orapello omitted the fact that some inmates were tested and were left in the unit.

On March 22, 2021, some of the inmates were tested again who were not tested previously and two inmates tested positive again (re-infections) DeShawn Luckett and Kyle Krepps were originally infected on November 6 and November 7, 2020 respectfully.

The Unit 5812 is notified that it will remain on lockdown for an additional 14 days. As of May 5, 2021, the unit is still on total lockdown. Unit 5812 went over six weeks without any recreation. Education classes, law library and normal religious services have been cancelled for over 14 months. Prior to this second outbreak, inmates were only permitted to go outside 3 days per week for 1 hour for recreation for the last

year. This amounts to an Eighth Amendment violation of cruel and unusual punishment.

April 16, 2021, 21 inmates were moved into building 5812 from building 5841. All the inmates of Unit 5841 were orderlies and were moved without being tested so UNICOR could reopen on April 19, 2021. These facts show the absolute disregard for the inmates' health at FCI Fort Dix.

April 19, 2021, after almost two months inmates were finally permitted outside for recreation for 1 hour on 3 days.

On April 22, 2021, all remaining inmates in Unit 5812 are retested for COVID-19.

On April 26, 2021, the inmates of 5812 are awakened to announcements that an inspection is coming through and to "get ready." The inmates are notified that a PREA inspector is coming through this week, and the New Jersey Congressional delegation with Andy Kim, Bob Menendez and Cory Booker will be coming through to inspect and the director of the BOP, Michael Carvajal, will all be inspecting this week. The Counselor threatened inmates that they "better have the building ready for inspection or will be held accountable." These are the same counselors who do not follow CDC protocol, do not wear masks or proper PPE consistently as stated in Petitioner's compassionate release.

On April 26, 2021, two more inmates were re-infected with COVID-19 and are removed from the building after remaining

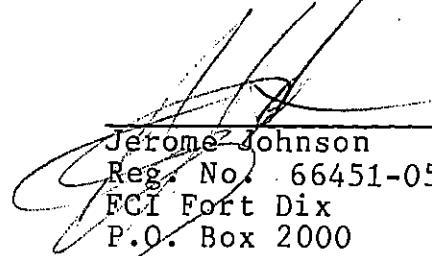
in the building for over 4 hours after the test results came back. Both of these inmates were fully vaccinated with the Moderna vaccine. The inmates, William Tyson and Pedro Del Granado had originally tested positive on November 2, 2020 and were re-infected after being fully vaccinated in March. On April 26, 2021 both inmates became re-infected.

Mr. Jerome Johnson asks this Honorable Court to view these new facts under Rule 201 for his compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i)(d). During the last 14 months Fort Dix has been on strict lockdown. Mr. Johnson has not had any visits, limited recreation (3 days per week for 1 hour), no outdoor recreation at all for almost 3 months and no education, programming or religious services. Imagine being locked in a building with no air conditioning with 220 other inmates in crowded cells, not being able to see your friends and family. This amounts to cruel and unusual punishment.

Petitioner asks this Court to understand the gravity of the situation at Fort Dix and the mistreatment of inmates during this COVID-19 outbreak and prays for either a sentence reduction or a sentence of time served and as part of his supervised release a period of home confinement.

Mr. Johnson asks this Court to view this motion liberally pursuant to Haines v. Kerner, 404 U.S. 519 (1972).

Respectfully Submitted,


5/6/21.
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